

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MCOM IP, LLC,)	
Plaintiff,)	
)	Civil Action No. 6:21-cv-00829
v.)	
)	
MX TECHNOLOGIES, INC.,)	JURY TRIAL DEMANDED
Defendant.)	

PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

mCom IP, LLC (“mCom”) files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of U.S. Patent No. 8,862,508 (“the ‘508 patent”) (referred to as the “Patent-in-Suit”) by MX Technologies, Inc. (“MX”).

I. THE PARTIES

1. Plaintiff mCom is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.

2. On information and belief, MX is a credit union existing under the laws of the State of Utah, with a principal place of business located at 4601 S Loop 289 #28, Lubbock, TX 79424, in collaboration with Viva First. On information and belief, MX sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. Defendant may be served at its place of business or wherever they may be found.

II. JURISDICTION AND VENUE

3. This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4. This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III. INFRINGEMENT

A. Infringement of the '508 Patent

6. On October 14, 2014, U.S. Patent No. 8,862,508 ("the '508 patent", attached as Exhibit A) entitled "System and method for unifying e-banking touch points and providing personalized financial services" was duly and legally issued by the U.S. Patent and Trademark Office. MCom owns the '508 patent by assignment.

7. The '508 patent relates to novel and improved systems and methods for constructing a unified banking system.

8. MX maintains, operates, and administers methods and systems of unified banking systems that infringe one or more claims of the ‘508 patent, including one or more of claims 1-20, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the ‘508 Patent into service (i.e., used them); but for Defendant’s actions, the claimed-inventions embodiments involving Defendant’s products and services would never have been put into service. Defendant’s acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant’s procurement of monetary and commercial benefit from it.

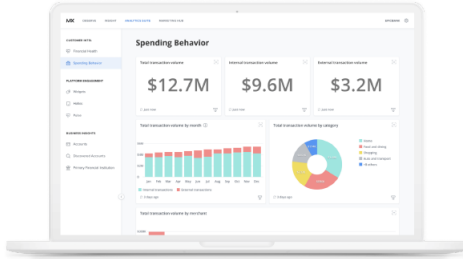
9. Support for the allegations of infringement may be found in the following preliminary table:

Claim	MX
<p>1. A method for constructing a unified electronic banking environment, said method comprising the steps of:</p>	<p>About MX</p> <p>MX is the leading <u>digital transformation platform</u> for banks, credit unions, fintechs, and partners, built on the belief that transformational growth starts with making data easily accessible and actionable for customers. Founded in 2010, MX is one of the fastest growing fintech innovators, powering more than 2,000 financial institutions and 43 of the top 50 digital banking providers to improve the financial lives of more than 30 million people.</p> <p>Attachment 1 (Ultimate guide money experience) at 2</p> <p>Source: https://www.mx.com/assets/resources/ult-guides/ultimate-guide-money-experience.pdf?mkt_tok=eyJpIjoiT0RBMllqVXpPVGd6TVRjeSIsInQiOiJUCHEQIZ6amdZZG15eVpLN1ZVXC9cLzBQdVhLTG9teFpYNUlobDVCTVpqakJTZCtGN0RKUTFHbWR6b3VjeXV6and2U3BNSWxVallrZWtlIZ2JtcFZYaGRHTGxqZnNBWFc4RXV1TUZnMHFMXC9uK2hFRzVrOVdSdlJUEVhQQkNRa3U3NiJ9</p>
<p>providing at least one common multi-channel server coupled to more than one e-banking touch</p>	


Claim	MX
<p>points and also coupled to at least one computer system configured with at least one control console, said more than one e-banking touch points and said at least one computer system being provided in locations remote from the other, and further wherein said more than one plurality of e-banking touch points are comprised of at least two different types of e-banking touch point devices, each of which comprise one or more of an automatic teller/transaction machine (ATM), a self service coin counter (SSCC), a kiosk, a digital signage display, an online accessible banking website, a personal digital assistant (PDA), a personal computer (PC), a laptop, a</p>	<div data-bbox="396 260 1333 777" data-label="Image"> </div> <p data-bbox="396 877 974 915">Attachment 2 (Mobile Banking Application)</p> <p data-bbox="396 1016 1276 1054">Source: https://www.mx.com/products/mobile-banking/#helios-sec-1</p> <div data-bbox="396 1150 831 1440" data-label="Image"> </div> <p data-bbox="396 1554 837 1591">Attachment 3 (Helios Guide V3)</p> <p data-bbox="396 1625 1370 1743">Source: https://hubspot.mx.com/hubfs/Helios%20Guide%20v3.pdf?t=1516748280591</p>


Claim	MX
wireless device, or a combination of two or more thereof, and wherein at least one of said e-banking touch points is in communication with one or more financial institutions through said multi-channel server;	
receiving an actionable input from at least one e-banking touch point;	<p>The money experience, by contrast, is an easy way to connect, view, and interact with money. <u>Customers can do simple transactions directly on any device (including phone, watch, or whatever's next), see all their accounts in one place (via whitelisted connections or API connections), enjoy accurate transaction auto-categorization (backed by AI), get personalized guidance around their spending habits (with machine learning), and more.</u></p> <p>Attachment 1 (Ultimate guide money experience) at 4</p> <p>Source: https://www.mx.com/assets/resources/ult-guides/ultimate-guide-money-experience.pdf?mkt_tok=eyJpIjoiT0RBMllqVXpPVGd6TVRjeSIsInQiOiJUCHEQIZ6amdZZG15eVpLN1ZVXC9cLzBQdVhLTG9teFpYNUlobDVCTVpqakJTZCtGN0RKUTFHbWR6b3VjeXV6and2U3BNSWx</p>

Claim	MX
	<p>VallrZWtlZ2JtcFZYaGRHTGxqZnNBWfc4RXV1TUZnMHFMXC9uK2hFRzVrOVdSdlJUeVhQQkNRa3U3NiJ9</p>
<p>retrieving previously stored data associated with said actionable input, wherein said previously stored data is accessible to any one of said e-banking touch points, and said previously stored data comprises data from one or more financial institutions and one or more user-defined preferences;</p>	<p>Access and share your data</p> <p>Create customer segments based on financial profiles and behaviors and export them to other marketing tools and software.</p> <p>Attachment 4 (Personalized bank Marketing) at 3</p> <p>Source: https://www.mx.com/products/marketing/</p>
<p>delivering said retrieved data to said at least one e-banking touch point transmitting said actionable input;</p>	<p>The money experience, by contrast, is an easy way to connect, view, and interact with money. <u>Customers can do simple transactions directly on any device (including phone, watch, or whatever's next), see all their accounts in one place (via whitelisted connections or API connections), enjoy accurate transaction auto-categorization (backed by AI), get personalized guidance around their spending habits (with machine learning), and more.</u></p> <p>Attachment 1 (Ultimate guide money experience) at 4</p> <p>Source https://www.mx.com/assets/resources/ult-guides/ultimate-guide-money-</p>

Claim	MX
	<p>experience.pdf?mkt_tok=eyJpIjoiT0RBMllqVXpPVGd6TVRjeSIsInQiOiJlUcHIEQIZ6amdZZG15eVpLN1ZVXC9cLzBQdVhLTG9teFpYNUl obDVCTVpqakJTZCtGN0RKUTFHbWR6b3VjeXV6and2U3BNSWx VallrZWtIZ2JtcFZYaGRHTGxqZnNBWFc4RXV1TUZnMHFMXC9 uK2hFRzVrOVdSdlJUeVhQQkNRa3U3NiJ9</p>
<p>storing transactional usage data associated with said at least one e-banking touch point transmitting said actionable input, wherein said stored transactional usage data is accessible by any one of said more than one e-banking touch points and said at least one computer system;</p>	<div data-bbox="397 510 1143 957">  <p>Access your data</p> <p>With easy-to-share dashboards, your entire organization has access to the information they need. View and export dashboard data to other software applications and drill deeper with a complete view of your customer's financial data.</p> </div> <p>Attachment 5 (Fintech Data Analysis) at 3</p> <p>Source: https://www.mx.com/products/analytics/</p>
<p>monitoring via said server an active session in real-time for selection of targeted marketing content correlated to said user-defined preferences;</p>	<div data-bbox="764 1276 1019 1556"> <p>Monitor engagement</p> <p>Track adoption rates, usage, and other engagement metrics to see how customers interact with your products. Uncover what motivates your customers and identify growth opportunities.</p> </div> <p>Attachment 5 (Fintech Data Analysis) at 2</p> <p>Source: https://www.mx.com/products/analytics/</p>

Claim	MX
<p>subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and</p>	<p>Deploy adaptive offers</p> <p>Use in-app notifications, embedded banners, or customized methods to send targeted offers to your account holders.</p> <p>Attachment 4 (Personalized bank Marketing) at 3</p> <p>Source: https://www.mx.com/products/marketing/</p>
<p>transmitting in real-time said targeted marketing content during said active session to at least one of said e-banking touch points for acceptance, rejection, or no response by a user, wherein said response by said user is used during said active session to determine whether transmission of additional information related to said marketing content occurs during said active session.</p>	<p>Deploy adaptive offers</p> <p>Use in-app notifications, embedded banners, or customized methods to send targeted offers to your account holders.</p> <p>Attachment 4 (Personalized bank Marketing) at 3</p> <p>Source: https://www.mx.com/products/marketing/</p>

Claim	MX
<p>Claim 7, A method for constructing a unified electronic banking environment, said method comprising the steps of:</p>	<p>About MX</p> <p>MX is the leading <u>digital transformation platform</u> for banks, credit unions, fintechs, and partners, built on the belief that transformational growth starts with making data easily accessible and actionable for customers. Founded in 2010, MX is one of the fastest growing fintech innovators, powering more than 2,000 financial institutions and 43 of the top 50 digital banking providers to improve the financial lives of more than 30 million people.</p> <p>Attachment 1 (Ultimate guide money experience) at 2</p> <p>Source: https://www.mx.com/assets/resources/ult-guides/ultimate-guide-money-experience.pdf?mkt_tok=eyJpIjoiT0RBMllqVXpPVGd6TVRjeSIsInQiOiJUCHEQIZ6amdZZG15eVpLN1ZVXC9cLzBQdVhLTG9teFpYNUlobDVCTVpqakJTZCtGN0RKUTFHbWR6b3VjeXV6and2U3BNSWxVallrZWtlZ2JtcFZYaGRHTGxqZnNBWFc4RXV1TUZnMHFMXC9uK2hFRzVrOVdSdlJUEVhQQkNRa3U3NiJ9</p>
<p>providing a common multi-channel server coupled to one or more e-banking touch points and also coupled to one or more computer systems, wherein each computer system is associated with a financial institution, said e-banking touch points being provided in locations remote</p>	

Claim	MX
<p>from the other, and each of which comprise one or more of an automatic teller/transaction machine (ATM), a self-service coin counter (SSCC), a kiosk, a digital signage display, an online accessible banking website, a personal digital assistant (PDA), a personal computer (PC), a laptop, a wireless device, or a combination of two or more thereof, and wherein at least one of said e-banking touch points is in communication with one or more financial institutions through said multi-channel server;</p>	<p>Attachment 2 (Mobile Banking Application)</p> <p>Source: https://www.mx.com/products/mobile-banking/#helios-sec-1</p>  <p>Attachment 3 (Helios Guide V3)</p> <p>Source: https://hubspot.mx.com/hubfs/Helios%20Guide%20v3.pdf?t=1516748280591</p>
<p>receiving an actionable input from at least one e-banking touch point;</p>	<p>The money experience, by contrast, is an easy way to connect, view, and interact with money. <u>Customers can do simple transactions directly on any device (including phone, watch, or whatever's next), see all their accounts in one place (via whitelisted connections or API connections), enjoy accurate transaction auto-categorization (backed by AI), get personalized guidance around their spending habits (with machine learning), and more.</u></p>

Claim	MX
	<p>Attachment 1 (Ultimate guide money experience) at 4</p> <p>Source: https://www.mx.com/assets/resources/ult-guides/ultimate-guide-money-experience.pdf?mkt_tok=eyJpIjoiT0RBMllqVXpPVGd6TVRjeSIsInQiOiJUCHEQIZ6amdZZG15eVpLN1ZVXC9cLzBQdVhLTG9teFpYNUlobDVCTVpqakJTZCtGN0RKUTFHbWR6b3VjeXV6and2U3BNSWxValIrZWtIZ2JtcFZYaGRHTGxqZnNBWFc4RXV1TUZnMHFMXC9uK2hFRzVrOVdSdlJUeVhQQkNRa3U3NiJ9</p>
<p>retrieving previously stored data associated with said actionable input, wherein said previously stored data is accessible to any one of said e-banking touch points, and said previously stored data comprises data from one or more financial institutions and one or more user-defined preferences;</p>	<p>Access and share your data</p> <p>Create customer segments based on financial profiles and behaviors and export them to other marketing tools and software.</p> <p>Attachment 4 (Personalized bank Marketing) at 3</p> <p>Source: https://www.mx.com/products/marketing/</p>
<p>delivering said retrieved data to said at least one e-</p>	

Claim	MX
<p>banking touch point transmitting said actionable input;</p>	<p>The money experience, by contrast, is an easy way to connect, view, and interact with money. Customers can do simple transactions directly on any device (including phone, watch, or whatever's next), see all their accounts in one place (via whitelisted connections or API connections), enjoy accurate transaction auto-categorization (backed by AI), get personalized guidance around their spending habits (with machine learning), and more.</p> <p>Attachment 1 (Ultimate guide money experience) at 4</p> <p>Source https://www.mx.com/assets/resources/ult-guides/ultimate-guide-money-experience.pdf?mkt_tok=eyJpIjoiT0RBMllqVXpPVGd6TVRjeSIsInQiOiJUCHEQIZ6amdZZG15eVpLN1ZVXC9cLzBQdVhLTG9teFpYNUlobDVCTVpqakJTZCtGN0RKUTFHbWR6b3VjeXV6and2U3BNSWxValIrrZWtIZ2JtcFZYaGRHTGxqZnNBWFc4RXV1TUZnMHFMXC9uK2hFRzVrOVdSdIJUeVhQQkNRa3U3NiJ9</p>
<p>storing transactional usage data associated with said at least one e-banking touch point transmitting said actionable input, wherein said stored transactional usage data is accessible by any one of said e-banking touch points and said one or more computer systems;</p>	<div data-bbox="397 934 771 1144">  </div> <p>Access your data</p> <p>With easy-to-share dashboards, your entire organization has access to the information they need. View and export dashboard data to other software applications and drill deeper with a complete view of your customer's financial data.</p> <p>Attachment 5 (Fintech Data Analysis) at 3</p> <p>Source: https://www.mx.com/products/analytics/</p>

Claim	MX
monitoring via said server said active session in real-time for selection of targeted marketing content correlated to said user-defined preferences;	<div data-bbox="768 268 1019 552"> <p>Monitor engagement</p> <p>Track adoption rates, usage, and other engagement metrics to see how customers interact with your products. Uncover what motivates your customers and identify growth opportunities.</p> </div> <p>Attachment 5 (Fintech Data Analysis) at 2</p> <p>Source: https://www.mx.com/products/analytics/</p>
subsequent to said monitoring, selecting in real-time said targeted marketing content correlated to said user-defined preferences; and	<div data-bbox="755 879 1003 1058"> <p>Deploy adaptive offers</p> <p>Use in-app notifications, embedded banners, or customized methods to send targeted offers to your account holders.</p> </div> <p>Attachment 4 (Personalized bank Marketing) at 3</p> <p>Source: https://www.mx.com/products/marketing/</p>
transmitting in real-time said targeted marketing content during said active session to at least one of said e-banking touch points for acceptance, rejection, or no	<div data-bbox="755 1451 1003 1629"> <p>Deploy adaptive offers</p> <p>Use in-app notifications, embedded banners, or customized methods to send targeted offers to your account holders.</p> </div> <p>Attachment 4 (Personalized bank Marketing) at 3</p> <p>Source: https://www.mx.com/products/marketing/</p>

Claim	MX
<p>response by a user, wherein said response by said user is used during said active session to determine whether transmission of additional information related to said marketing content occurs during said active session.</p>	

These allegations of infringement are preliminary and are therefore subject to change.

10. MX has and continues to induce infringement. MX has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to construct a unified banking system such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, MX has known of the '508 patent and the technology underlying it from at least the date of issuance of the patent and the date of the lawsuit filing.

11. MX has and continues to contributorily infringe. MX has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., construction of unified banking system) and related services that provide unified banking systems such as to cause infringement of one or more of claims 1–20 of the '508 patent, literally or under the doctrine of equivalents. Moreover, MX has

known of the '508 patent and the technology underlying it from at least the date of issuance of the patent and the date of the lawsuit filing.

12. MX has caused and will continue to cause MCom damage by direct and indirect infringement of (including inducing infringement of) the claims of the '508 patent.

IV. JURY DEMAND

MCom hereby requests a trial by jury on issues so triable by right.

V. PRAYER FOR RELIEF

WHEREFORE, MCom prays for relief as follows:

- a. enter judgment that Defendant has infringed the claims of the '508 patent;
- b. award MCom damages in an amount sufficient to compensate it for Defendant's infringement of the '508 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;
- c. award MCom an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;
- d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award MCom its attorneys' fees, expenses, and costs incurred in this action;
- e. declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;
- f. a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and

subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and

g. award MCom such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey & Schwaller, LLP

A handwritten signature in blue ink, appearing to read 'WPR', with a large, loopy flourish underneath.

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